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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
LAFORGIA, CHRISTIAN A	

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/539,193	BROOKS ET AL.	
	Examiner	Art Unit	
	Christian La Forgia	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 June 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-14,16-18 and 27-58* is/are pending in the application.

4a) Of the above claim(s) *6,15 and 19-26* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-14,16-18 and 27-58* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6/9/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09 June 2004 has been entered.

2. Claims 1-5, 7-14, 16-18, and 27-58 have been presented for examination.

3. Claims 6, 15, and 19-26 have been cancelled as per Applicant's request.

Response to Arguments

4. Applicant's arguments with respect to claims 1-5, 7-14, 16-18, and 27-58 have been considered but are moot in view of the new ground(s) of rejection.

5. See further rejections that follow.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-5, 7-10, and 27-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The aforementioned claims recite the limitation:

> a display device (1) coupled to the network gateway through the world wide network of computers, the display device including a display device (2) to convert the packetized stream of video information into video information for display, the display device also including a display for displaying the video information on the display device.

It is unclear whether the emphasized portions refer to the first or second display device.

8. Claims 1-5 and 7-10 recite the limitation "the second formats" in last paragraph of claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 1-5, 7, 8, 10, 12, 16, 27-33, 35, 37, 40, 43-48, 50, 51, 55, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,806,909 to Radha et al., hereinafter Radha, in view of U.S. Patent No. 6,754,439 to Hensley et al., hereinafter Hensley.

11. As per claims 1 and 27, Radha discloses a system for transferring real time video information from a source device to one of a plurality of output devices. The Radha discloses at least one image-capturing device to acquire video information in Figure 8, blocks 201-210 and column 16, line 64 to column 17, line 16, wherein the image capturing device includes a processor, a graphics module coupled to the processor, a browsing device coupled to the processor, a packetizing portion coupled to the processor, the packetizing portion being adapted to convert the video information into a packetized stream of video information, the packetized stream of video information being in a first format and an output device to transmit the packetized stream of video information to a network. For more information about digital video cameras please refer to U.S. Patent No. 5,570,128; U.S. Patent No. 5,572,254; and U.S. Patent No. 5,343,243.

12. Radha teaches a network gateway coupled to the image-capturing device through the network, the network gateway being coupled to a worldwide network of computers in Figure 8, block 242 and column 17, lines 22-37, wherein the network gateway includes a gateway

transcoding device to convert the packetized stream of video information from the first format into a second format, the network gateway also including a packetizing portion to transfer the packetized stream of video information in the second format to the network.

13. Radha discloses a display device coupled to the network gateway through the world wide network of computers in figure 8, blocks 216, 217, and 283 and column 17, lines 55-59, wherein the display device includes a display device to convert the packetized stream of video information into video information for display, the display device also including a display for displaying the video information on the display device.

14. Radha discloses wherein the first format is selected from compressed and uncompressed audio video formats in figure 17, blocks 230-240 and column 17, lines 17-22.

15. Radha does not disclose wherein the network gateway can provide multiple output streams of video information, having unique sets of audiovisual characteristics and having the second formats, from which at least one stream can be selected to be displayed on the display.

16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the network gateway provide multiple output streams of video information (Hensley: Abstract), since Hensley states at column 5, line 14-41 that such a modification could provide multiple output formats and switch seamlessly between the different formats.

17. Regarding claims 2 and 28, Radha teaches wherein the packetized stream of video information in the first format is compressed (column 17, lines 17-22).

18. With regards to claims 3 and 29, Radha and Hensley do not disclose wherein the display device is coupled to a wireless network, the wireless network being coupled to the worldwide network of computers.

19. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the display device to be coupled to a wireless network, since it has been held that making an old device portable or movable without producing any new and unexpected result involves only routine skill in the art. See MPEP § 2144.04; see also *In re Lindberg*, 194 F.2d 732, 735, 93 USPQ 23, 26 (CCPA 1952).

20. Concerning claims 4 and 30, Radha teaches wherein the display device is selected from one of a plurality of devices including a portable computer, a laptop computer, a personal digital assistant, a web appliance, a personal computer, and a workstation (column 22, lines 13-16).

21. With regards to claims 5 and 31, Hensley teaches wherein the first format is different in type from the second format (column 5, lines 31-41).

22. Regarding claims 7, 16, 32, and 40, Hensley teaches wherein the second format is selected from the group consisting of MPEG-1, MPEG-2, MPEG-4, H.263, M-JPEG, M-GIF, ACELP, MP1, MP2, MP3, and G.723.1 (column 4, lines 5-40). See MPEP 904.01(b) for a further discussion on art related equivalents.

23. Regarding claims 8, 12, 33, and 37, Radha teaches wherein the image capturing device is a video camera (Figure 8 [blocks 201-210]; column 16, line 64 to column 17, line 16).

24. With regards to claims 10 and 35, Radha and Hensley do not disclose wherein the image-capturing device is coupled to a personal computer that is coupled via a wireless medium to the network.

25. It would have been obvious to one of ordinary skill in the art at the time the invention was made to connect the image-capturing device to a personal computer that is connected to a wireless network, since it has been held that making an old device portable or movable without producing any new and unexpected result involves only routine skill in the art. See MPEP § 2144.04; see also *In re Lindberg*, 194 F.2d 732, 735, 93 USPQ 23, 26 (CCPA 1952).

26. Regarding claims 43, 45, 47, 50, and 55, Radha teaches wherein the display device can select the stream to display on its display (column 1, line 20-27).

27. Regarding claims 44, 46, 48, 51, and 56, Radha teaches wherein a component of the network gateway can select the output stream to be displayed by the display device (column 1, lines 20-27). Wherein the selection is drawn to selecting when to display commercials and switching to other programs.

28. Claims 9, 11, 34, 36, 49, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radha in view of Hensley, and further in view of U.S. Patent No. 6,201,536 to Hendricks et al., hereinafter Hendricks.

29. Concerning claims 9 and 34, Radha and Hensley do not disclose wherein the network gateway comprises a lookup table.

30. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a lookup table in the network gateway, since Hendricks states in column 33, lines 1-17 that such a modification would allow modifications to the stream to be made in real-time.

31. As per claims 11, 36, 49, and 54, Radha teaches a system for personal broadcasting to at least one mobile display device. Radha discloses a processor and a broadcast server coupled to a processor and coupled to a wide area network of computers in Figure 8, block 242 and column 17, lines 22-37.

32. Radha teaches that the broadcasting server includes an image retrieval portion configured to retrieve incoming video signals in a first format in Figure 8, blocks 243-250, as well as column 17, lines 21-36.

33. Radha does not teach a look up table to determine parameters for a second format for the incoming video signals; and a transcoding module coupled to the image retrieval portion and to the look up table, the transcoding module configured to convert the incoming video signal from the first format into a plurality of second formats corresponding to a plurality of output video signals in response to the parameters; wherein the second formats are more appropriate for the at

least one mobile display device than the first format; and wherein either or both a video and audio characteristic associated with the incoming video signals can be changed during transmission to provide a different optimized output video signal to the at least one mobile display device in response to a change in any combination of a bandwidth condition, a display device characteristic, and a user preference.

34. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a lookup table in the broadcast server, since Hendricks states in column 33, lines 1-17 that such a modification would allow modifications to the stream to be made in real-time.

35. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the broadcast server convert from one format to another, since Hensley states at column 5, line 14-41 that such a modification would provide for flexibility to broadcast in different formats that are more suitable for the display device.

36. Claims 13 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radha, Hensley, and Hendricks as applied above, and further in view of U.S. Patent No. 5,434,590 to Dinwiddie, Jr. et al., hereinafter Dinwiddie.

37. With regards to claims 13 and 38, Radha, Hensley, and Hendricks do not teach wherein the image retrieval portion is configured to receive the incoming video signals from a data file.

38. It would have been obvious to one of ordinary skill in the art at the time the invention was made to receive the incoming video signals from a data file (Dinwiddie: column 4, lines 16-29, i.e. video tape or disk), since Dinwiddie states at column 3, lines 5-11 that such a

modification would allow for the real time composition and display of image signals without video memory.

39. Claims 14 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radha, Hensley, and Hendricks as applied above, and further in view of U.S. Patent No. 5,936,968 to Lyons, hereinafter Lyons.

40. Regarding claims 14 and 39, Radha, Hensley, and Hendricks do not teach wherein the second format is compressed.

41. It would have been obvious to one of ordinary skill in the art at the time the invention was made to compress the second format (Lyons: column 4, lines 46-51), since Lyons states at column 1, line 42 to column 2, line 33 that such a modification would allow the splicing of transport streams from multiple sources without violating the clock slew rate specified for a receiver.

42. Claims 17, 18, 41, 42, 52, 53, 57, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radha, Hensley, and Hendricks as applied above, and further in view of U.S. Patent No. 6,014,694 to Aharoni et al., hereinafter Aharoni.

43. Concerning claims 17 and 41, Radha, Hensley and Hendricks do not teach wherein the parameters from the look up table includes pixel bit-depth data.

44. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the stream parameters, such as pixel bit-depth data (Aharoni: column 2, lines 11-28), since it has been held that account for adjustments involves only routine skill in the

art. See MPEP § 2144.04; see also *In re Stevens*, 212 F.2d 197, 198, 101 USPQ 284, 285 (CCPA 1954).

45. Regarding claims 18 and 42, Radha, Hensley, and Hendricks do not disclose wherein the parameters from the look up table includes frame rate data.

46. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the stream parameters, such as frame rate data (Aharoni: column 2, lines 11-28), since it has been held that account for adjustments involves only routine skill in the art. See MPEP § 2144.04; see also *In re Stevens*, 212 F.2d 197, 198, 101 USPQ 284, 285 (CCPA 1954).

47. Regarding claims 52 and 57, Radha, Hendricks, and Hensley do not teach wherein a different video signal can be dynamically selected to be presented at the client device, instead of a current video signal, in response to a change in a bandwidth condition.

48. Aharoni teaches wherein a different video signal can be dynamically selected to be presented at the client device, instead of a current video signal, in response to a change in a bandwidth condition in the abstract, figure 12, and column 2, lines 11-28, as well as throughout the patent. It would have been obvious to one of ordinary skill in the art at the time the invention was made to chose a different signal, since it has been held that making an adjustment to the data stream involves only routine skill in the art. See MPEP § 2144.04; see also *In re Stevens*, 212 F.2d 197, 198, 101 USPQ 284, 285 (CCPA 1954).

49. With regards to claim 53, Aharoni teaches wherein the different video signal has at least one of a different frame dimension and a different associated audio characteristic (column 2, lines 11-28).

50. Regarding claim 58, Radha, Hendricks, and Hensley do not teach wherein the means for dynamically selecting the different video signal includes a means for dynamically selecting a video signal having at least one of a different frame dimension and different associated audio.

51. Aharoni teaches wherein the means for dynamically selecting the different video signal includes a means for dynamically selecting a video signal having at least one of a different frame dimension and different associated audio in the abstract, figure 12, and column 2, lines 11-28, as well as throughout the patent. It would have been obvious to one of ordinary skill in the art at the time the invention was made to chose a different signal, since it has been held that making an adjustment to the data stream involves only routine skill in the art. See MPEP § 2144.04; see also *In re Stevens*, 212 F.2d 197, 198, 101 USPQ 284, 285 (CCPA 1954).

Conclusion

52. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

53. The following patents are cited to further show the state of the art with respect to broadcasting video signals, such as:

United States Patent No. 6,288,753 to DeNicola et al., which is cited to show interactive, Internet-based videoconferencing.

United States Patent No. 6,297,794 to Tsubouchi et al., which is cited to show switching video sources.

United States Patent No. 5,917,552 to Van Court, which is cited to show video signal interface system utilizing deductive control.

United States Patent No. 6,329,981 to Lin et al., which is cited to show intelligent video mode detection circuit.

54. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

55. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

56. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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11/23/04